

AUDREY STRAUSS
United States Attorney for the
Southern District of New York
By: SHEB SWETT
EMILY S. DEININGER
Assistant United States Attorneys
One St. Andrew's Plaza
New York, New York 10007
(212) 637-6522/2472

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-v.-

ALL MONIES, FUNDS AND ASSETS
CONTAINED IN MERRILL LYNCH
ACCOUNT XXXX7N02, HELD IN THE NAME
OF "AURELIA INFRASTRUCTURE, INC.,"
AND ALL FUNDS TRACEABLE THERETO,
INCLUDING ACCRUED INTEREST,

Defendant-*in-rem*.

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**STIPULATION AND ORDER
OF SETTLEMENT**

21 Civ. 3918 (PGG)

PAUL G. GARDEPHE, District Judge:

This Stipulation and Order ("Stipulation") is entered into by and among Aurelia Infrastructure, Inc. ("Aurelia"), Ashraf Ahmed, Tarek Ahmed, Rahed Y. Ahmed, and Saed Ahmed, (the "Ultimate Beneficial Owners" or "UBOs"), the ultimate beneficial owners of the

funds in Merrill Lynch brokerage account XXXX7N02, held in the name of Aurelia Infrastructure, Inc. (the “Target Account”), and the United States of America, by its attorney Audrey Strauss, United States Attorney, Assistant United States Attorneys Sheb Swett and Emily S. Deininger, of counsel (the “United States”). The signatories to this Stipulation are referred to collectively herein as the “Parties”.

WHEREAS, on or about May 3, 2021, the United States filed a Verified Complaint seeking to forfeit, pursuant to Title 18, United States Code, Section 981(a)(1)(A), the following funds (the “Forfeiture Complaint”), which were restrained in Merrill Lynch brokerage account XXXX7N02, held in the name of Aurelia Infrastructure, Inc. (the “Target Account”) on January 16, 2020 by agents of the United States Drug Enforcement Administration (“DEA”) in connection with the DEA’s investigation into a narcotics-proceeds money-laundering operation:

- a. All monies, funds and assets contained in Merrill Lynch brokerage account XXXX7N02, held in the name of Aurelia Infrastructure, Inc., and all funds traceable thereto, including accrued interest

(the “Defendant-*in-rem*”);

WHEREAS, this Stipulation is being entered into solely for the purpose of compromising disputed claims and avoiding the expenses and risks of litigation, and that nothing contained in this Stipulation shall constitute an admission of liability or fault on the part of Aurelia or its owners, principals, partners, officers, employees, and beneficiaries, who expressly deny any fault, liability, or wrongdoing;

WHEREAS, the Parties have agreed to settle the allegations in the Forfeiture Complaint without further litigation on the terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND

ORDERED, by and between Audrey Strauss, United States Attorney for the Southern District of New York, by and through Assistant United States Attorneys Sheb Swett and Emily S. Deininger, and Aurelia, by and through its attorney, Theresa M. B. Van Vliet, Esq., and the UBOs, that:

1. Aurelia and the UBOs hereby consent to the forfeiture to the United States of \$7,000,000.00 in United States currency from the Target Account (the “Settlement Funds”).

2. Upon entry of this Stipulation by the Court, the United States Marshals Service (“USMS”) will be authorized to seize the Settlement Funds from the Target Account and to hold the Settlements Funds in its secure custody and control pending entry of a Judgment of Forfeiture.

3. Upon entry of a Judgment of Forfeiture forfeiting the Settlement Funds to the United States, the Target Account shall be released from the restraint imposed pursuant to the January 16, 2020 seizure warrant.

4. Upon entry of a Judgment of Forfeiture forfeiting the Settlement Funds to the United States, the United States shall not bring any civil forfeiture action against or otherwise seek to forfeit any other property owned by Aurelia and/or the UBOs based on any and all transactions described in the Forfeiture Complaint.

5. Aurelia and the UBOs are hereby barred from asserting, or assisting others in asserting, any claim against the United States of America (“USA”), the DEA, the Department of Justice (“DOJ”), the U.S. Attorney’s Office for the Southern District of New York (“USAO-SDNY”), the USMS or any agents and employees of the USA, the DEA, the DOJ, the USAO-SDNY, or the USMS in connection with or arising out of the seizure, restraint, and/or

constructive possession of the Defendant-*in-rem*, including, but not limited to, any claim that there was no probable cause to seize and/or forfeit the Defendant-*in-rem*, that Aurelia is a prevailing party, or that Aurelia is entitled to attorney's fees or any award of interest.

6. Aurelia represents that it is the only owner of the Defendant-*in-rem* and Settlement Funds, and agrees to hold harmless the USA, the DEA, the DOJ, the USAO-SDNY, and the USMS as well as any and all employees, officers, and agents of the USA, the DEA, the DOJ, the USAO-SDNY, and the USMS from any and all claims in connection with or arising out of the seizure, restraint, and/or constructive possession of the Defendant-*in-rem* and Settlement Funds, including but not limited to any third-party claims of ownership of the Defendant-*in-rem* and the Settlement Funds, to which the UBOs expressly consent.

7. Aurelia and the UBOs, hereby agree to conduct reasonable due diligence on future deposits in any financial account under their control to ensure that the funds do not derive from criminal sources. This due diligence will include a reasonable investigation as to both the source of the funds and the means by which the funds are transferred to any such account. Additionally, Aurelia and the UBOs agree that they will not knowingly conduct any cross-border money transfers involving the United States or U.S. financial institutions by means of unlicensed money services businesses, unregulated currency exchanges, or any informal financial networks, directly or indirectly, or facilitate any such transfers on behalf of others, regardless of whether those transactions are conducted for business purposes or as part of a money services business if such transactions would be in violation of United States or foreign laws. The authorized representatives and UBOs of Aurelia signing this Stipulation and Order on its behalf hereby certify that all current owners and principals of Aurelia have been advised of

and have agreed to abide by the commitments and restrictions set forth in this paragraph. Aurelia shall further require that any future owners and principals of Aurelia taking ownership or control from one or more of the UBOs agree to abide by the commitments and restrictions set forth in this paragraph.

8. Aurelia and the UBOs hereby agree to waive all rights to appeal or otherwise challenge or contest the validity of this Stipulation.

9. Each party shall bear its own costs and attorney's fees.

10. This Stipulation may be executed in counterparts, each of which shall constitute an original as against the party whose signature appears on it. All executed counterparts shall be deemed to be one and the same instrument. This Stipulation shall become binding when one or more counterparts, individually or taken together, bears the signature of all parties.

11. A facsimile or electronic image of the original signature of any party executing this Stipulation shall be deemed an original signature and shall constitute an original as against the party whose signature appears in the facsimile or electronic image.

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AGREED AND CONSENTED TO:

AUDREY STRAUSS

United States Attorney for the
Southern District of New York
Attorney for the United States

By:



SHEB SWETT/EMILY S. DEININGER
Assistant United States Attorneys
One St. Andrew's Plaza
New York, New York 10007
(212) 637-6522

5/06/2021

DATE

AURELIA INFRASTRUCTURE, INC.

By: _____

DATE

By: _____

THERESA M. B. VAN VLIET, ESQ.
Genovese Joblove & Battista
200 East Broward Boulevard, Suite 1110
Fort Lauderdale, FL 33301
(954) 453-8000
Attorney for Aurelia Infrastructure, Inc.

DATE

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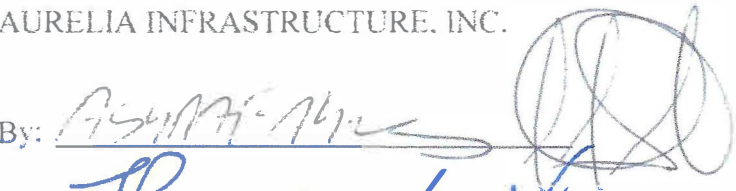
AGREED AND CONSENTED TO:

AUDREY STRAUSS
United States Attorney for the
Southern District of New York
Attorney for the United States

By: SHEB SWETT/EMILY S. DEININGER
Assistant United States Attorneys
One St. Andrew's Plaza
New York, New York 10007
(212) 637-6522

DATE

AURELIA INFRASTRUCTURE, INC.

By: 
Theresa M. B. Van Vliet
THERESA M. B. VAN VLIET, ESQ.
Genovese Joblove & Battista
200 East Broward Boulevard, Suite 1110
Fort Lauderdale, FL 33301
(954) 453-8000
Attorney for Aurelia Infrastructure, Inc.

05-05-2021
DATE

5/6/2021
DATE

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ULTIMATE BENEFICIAL OWNERS

By: Ashraf Ahmed

Ashraf Ahmed

05-05-2021

DATE

Tarek Ahmed

Tarek Ahmed

05-05-2021

DATE

Rahed Y. Ahmed

Rahed Y. Ahmed

05-05-2021

DATE

Saed Ahmed

Saed Ahmed

05-05-2021

DATE

SO ORDERED:

HONORABLE PAUL G. GARDEPHE
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK